

essary to prevent the dissemination of the pest or disease.

**(2) State action**

**(A) In general**

The Secretary may take action in a State under this subsection only on finding that measures being taken by the State are inadequate to control or eradicate the pest or disease, after review and consultation with—

- “(i)<sup>1</sup> the Governor or an appropriate animal health official of the State; or
- “(ii)<sup>1</sup> in the case of any animal, article, facility, or means of conveyance under the jurisdiction of an Indian tribe, the head of the Indian tribe.

**(B) Notice**

Subject to subparagraph (C), before any action is taken in a State under subparagraph (A), the Secretary shall—

- (i) notify the Governor, an appropriate animal health official of the State, or head of the Indian tribe of the proposed action;
- (ii) issue a public announcement of the proposed action; and
- (iii) publish in the Federal Register—
  - (I) the findings of the Secretary;
  - (II) a description of the proposed action; and
  - (III) a statement of the reasons for the proposed action.

**(C) Notice after action**

If it is not practicable to publish in the Federal Register the information required under subparagraph (B)(iii) before taking action under subparagraph (A), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

**(c) Quarantine, disposal, or other remedial action**

**(1) In general**

The Secretary, in writing, may order the owner of any animal, article, facility, or means of conveyance referred to in subsection (a) or (b) of this section to maintain in quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance, in a manner determined by the Secretary.

**(2) Failure to comply with orders**

If the owner fails to comply with the order of the Secretary, the Secretary may—

- (A) seize, quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance under subsection (a) or (b) of this section; and
- (B) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

**(d) Compensation**

**(1) In general**

Except as provided in paragraph (3), the Secretary shall compensate the owner of any ani-

mal, article, facility, or means of conveyance that the Secretary requires to be destroyed under this section.

**(2) Amount**

**(A) In general**

Subject to subparagraphs (B) and (C), the compensation shall be based on the fair market value, as determined by the Secretary, of the destroyed animal, article, facility, or means of conveyance.

**(B) Limitation**

Compensation paid any owner under this subsection shall not exceed the difference between—

- (i) the fair market value of the destroyed animal, article, facility, or means of conveyance; and
- (ii) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.

**(C) Reviewability**

The determination by the Secretary of the amount to be paid under this subsection shall be final and not subject to judicial review or review of longer than 60 days by any officer or employee of the Federal Government other than the Secretary or the designee of the Secretary.

**(3) Exceptions**

No payment shall be made by the Secretary under this subsection for—

- (A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this chapter;
- (B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this chapter;
- (C) any animal, article, or means of conveyance that is refused entry under this chapter; or
- (D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this chapter by the owner.

(Pub. L. 107–171, title X, § 10407, May 13, 2002, 116 Stat. 498.)

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§ 8307. Inspections, seizures, and warrants**

**(a) Guidelines**

The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

<sup>1</sup> So in original. Opening quotation marks probably should not appear.

**(b) Warrantless inspections**

The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States, to determine whether the person or means of conveyance is carrying any animal or article regulated under this chapter;

(2) in interstate commerce, on probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under this chapter; or

(3) in intrastate commerce from any State, or any portion of a State, quarantined under section 8306(b) of this title, on probable cause to believe that the person or means of conveyance is carrying any animal or article quarantined under section 8306(b) of this title.

**(c) Inspections with warrants****(1) In general**

The Secretary may enter, with a warrant, any premises in the United States for the purpose of making inspections and seizures under this chapter.

**(2) Application and issuance of warrants****(A) In general**

On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this chapter, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrate to make any inspection or seizure under this chapter.

**(B) Execution**

The warrant may be applied for and executed by the Secretary or any United States marshal.

(Pub. L. 107–171, title X, § 10408, May 13, 2002, 116 Stat. 500.)

**TRANSFER OF FUNCTIONS**

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**PRECLEARANCE QUARANTINE INSPECTIONS**

Pub. L. 107–171, title X, § 10811, May 13, 2002, 116 Stat. 531, provided that:

“(a) **PRECLEARANCE INSPECTIONS REQUIRED.**—The Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall conduct preclearance quarantine inspections of persons, baggage, cargo, and any other articles destined for movement from the State of Hawaii to any of the following—

“(1) The continental United States.

“(2) Guam.

“(3) Puerto Rico.

“(4) The United States Virgin Islands.

“(b) **INSPECTION LOCATIONS.**—The preclearance quarantine inspections required by subsection (a) shall be

conducted at all direct departure and interline airports in the State of Hawaii.

“(c) **LIMITATION.**—The Secretary shall not implement this section unless appropriations for necessary expenses of the Animal and Plant Health Inspection Service for inspection, quarantine, and regulatory activities are increased by an amount not less than \$3,000,000 in an Act making appropriations for fiscal year 2003.”

**§ 8308. Detection, control, and eradication of diseases and pests****(a) In general**

The Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyard, or other point of concentration.

**(b) Compensation****(1) In general**

The Secretary may pay a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this chapter.

**(2) Reviewability**

The action of the Secretary in carrying out paragraph (1) shall not be subject to review of longer than 60 days by any officer or employee of the Federal Government other than the Secretary or the designee of the Secretary.

(Pub. L. 107–171, title X, § 10409, May 13, 2002, 116 Stat. 501.)

**TRANSFER OF FUNCTIONS**

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§ 8309. Veterinary accreditation program****(a) In general**

The Secretary may establish a veterinary accreditation program that is consistent with this chapter, including the establishment of standards of conduct for accredited veterinarians.

**(b) Consultation**

The Secretary shall consult with State animal health officials and veterinary professionals regarding the establishment of the veterinary accreditation program.

**(c) Suspension or revocation of accreditation****(1) In general**

The Secretary may, after notice and opportunity for a hearing on the record, suspend or revoke the accreditation of any veterinarian accredited under this title<sup>1</sup> who violates this chapter.

**(2) Final order**

The order of the Secretary suspending or revoking accreditation shall be treated as a final order reviewable under chapter 158 of title 28.

<sup>1</sup> See References in Text note below.